

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MICHEL SILVA BARNES
Plaintiff,

v.

**COR PARTNERS, INC. and MILLER
WESLEY STEPHENS**
Defendants.

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CAUSE NO. 5:21-cv-892

**DEFENDANTS COR PARTNERS, INC. AND MILLER WESLEY STEPHENS
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Defendants Cor Partners, Inc. and Miller Wesley Stephens (improperly named “Wesley Stephens Miller” in Plaintiff’s Original Petition in state court) timely file this Notice of Removal pursuant to 28 U.S.C. §1441(a)-(b) and 28 U.S.C. §1332, removing the above-captioned action from the 166th Judicial District Court of Bexar County, Texas to the United States District Court for the Western District of Texas, San Antonio Division, and in support of this Notice, avers as follows:

I. BACKGROUND

1. This is a personal injury suit. Plaintiff Michel Silva Barnes has filed the above captioned action in the 166th Judicial District Court of Bexar County, Texas, styled as *Michel Silva Barnes v. Cor Partners, Inc. and Wesley Stephens Miller*, Cause No. 2021CI15407. A true and correct copy of the Original Petition together with all exhibits and pleadings on file with the State Court at the time of this Removal, are attached hereto as **Exhibit A**.

II. DIVERSITY JURISDICTION

2. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant(s) to the district court of the United States for the district and division embracing the place where such action is pending.”

3. Plaintiff alleges she is a resident of the State of Texas. *See* Original Petition, p. 1, § 2. As such, Plaintiff is a citizen of Texas.

4. Defendant Cor Partners, Inc. (“Cor Partners”) is organized under the laws of Missouri and maintains its principal place of business in Georgia. As such, Cor Partners, Inc. is a citizen of Missouri and Georgia.

5. Defendant Miller Wesley Stephens (“Stephens”) is an individual who resides in Savannah, Georgia. As such, Stephens is a citizen of Georgia.

6. There is complete diversity between the parties pursuant to 28 U.S.C. §1332.

7. Plaintiff claims that she seeks monetary relief over \$250,000. *See* Original Petition, p. 3, § 6. Thus, the amount in controversy in this case exceeds the \$75,000. Therefore, the amount in controversy requirement of 28 U.S.C. §1332(a) is satisfied.

8. Cor Partners was served with Plaintiff’s Original Petition on August 27, 2021 and Stephens was served with Plaintiff’s Original Petition on August 28, 2021. Thus, this Notice of Removal is being filed within thirty (30) days of Cor Partners and Stephens receipt of the Complaint, as required by 28 U.S.C. §1446(a-b).

9. Copies of all state court pleadings and process are attached hereto with an index as required by 28 U.S.C. §1446(a) and the Local Rules.

10. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being filed with the 166th Judicial District Court of Bexar County, Texas and served upon counsel for Plaintiff pursuant to 28 U.S.C. §1446(d).

11. Cor Partners and Stephens have complied with all requirements for removal under Title 28, United States Code.

12. Pursuant to Federal Rule of Civil Procedure 38, Cor Partners and Stephens demand a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant Cor Partners, Inc. and Miller Wesley Stephens respectfully give notice that this state court action has been removed from the 166th Judicial District Court of Bexar County, Texas and placed on the United States District Court for the Western District of Texas, San Antonio Division docket for further proceedings.

Respectfully submitted,

**WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP**

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**ATTORNEY-IN-CHARGE FOR DEFENDANTS,
COR PARTNERS, INC. AND MILLER WESLEY
STEPHENS**

CERTIFICATE OF SERVICE

The undersigned counsel for Defendants Cor Partners, Inc. and Miller Wesley Stephens hereby certifies that a true and correct copy of the foregoing NOTICE OF REMOVAL was served on the following counsel of record electronically when uploaded to the Court's ECF system for filing, or alternatively *via* electronic mail, on September 17, 2021.

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/s/ ***Kent M. Adams***
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